

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

First-Class Mail and Periodicals
Service Standard Changes, 2021

Docket No. N2021-1

PRESIDING OFFICER'S RULING DENYING REQUEST TO WITHDRAW
PRESIDING OFFICER'S RULING NO. 2

(Issued May 12, 2021)

On May 7, 2021, the Commission appointed the undersigned as the Presiding Officer in Docket No. N2021-1.¹ The Commission tasked the Presiding Officer with managing the procedures in Docket No. N2021-1, including resolving discovery disputes. Order No. 5888 at 1-2.

On May 3, 2021, intervenor Douglas F. Carlson propounded the following interrogatory (labelled DFC/USPS-T1-15) on Postal Service witness Robert Cintron:²

Please provide an overview of the air transportation network for First-Class Mail, Priority Mail, and Priority Mail Express that describes the air carriers that serve each mail class and the approximate proportion of the total volume that is allocated to each carrier.

¹ Order Designating Presiding Officer, May 7, 2021 (Order No. 5888).

² See Douglas F. Carlson Interrogatories and Requests for Production of Documents to United States Postal Service Witness Robert Cintron (DFC/USPS-T1-1-15), May 3, 2021.

On May 6, 2021, the Postal Service moved to be excused, in part, from answering the interrogatory.³ The Postal Service responds that the interrogatory, insofar as it requests information pertaining to Priority Mail and Priority Mail Express, is not relevant to evaluate the Postal Service proposed service changes for First-Class Mail and Periodicals. Motion at 2.

On May 10, 2021, the Presiding Officer granted the Postal Service's Motion, finding that the information sought pertaining to Competitive products unaffected by the Postal Service's proposal, and how those products move through the air transportation network is not reasonably calculated to lead to the discovery of admissible evidence.⁴

On May 10, 2021, after POR No. 2 was issued, Carlson filed an answer in opposition to the Motion.⁵ He asserts that the interrogatory seeks information to allow participants to understand the big picture of the Postal Service's transportation network to allow for discovery on the question of whether the Postal Service has considered alternatives to the proposal described in this docket. Answer at 1. He explains that the Postal Service had already placed into issue the potential to transport First-Class Mail on alternate transportation because witness Cintron testified that the Postal Service may combine First-Class Mail volume on another network. *Id.* at 1-2. Thus, he requests that the Presiding Officer withdraw his ruling.⁶

The Presiding Officer finds these arguments unpersuasive. Although the Postal Service stated that it may combine First-Class Mail volume with volume on another network, specific information regarding products unaffected by the proposal in order to gain insight about the entire network is too far removed from the narrow issues in the

³ Motion of the United States Postal Service to be Excused in Part from Responding to Douglas F. Carlson's Interrogatory DFC/USPS-T1-15, May 6, 2021 (Motion).

⁴ Presiding Officer's Ruling Excusing Postal Service from Answering Portions of DFC/USPS-T1-15, May 10, 2021, at 2 (POR No. 2).

⁵ Douglas F. Carlson Answer in Opposition to Postal Service Motions to be Excused from Responding to Interrogatories DFC/USPS-T1-15 and DFC/USPS-T3-3, May 10, 2021 (Answer).

⁶ *Id.* at 2. Carlson requests that the Presiding Officer withdraw POR No. 2 because it was issued before the deadline to answer the Motion expired. The Presiding Officer considers Carlson's responses in this ruling.

proposal. Mr. Carlson has not alleged any nexus as to how the volume of two Competitive products specific to each air carrier at all relates to the availability, necessity, or advisability of purchasing air transportation capacity for any of the volumes (First-Class Mail and Periodicals) at issue in this docket. The Presiding Officer reiterates that this proceeding is time limited and while discovery is broad, it is not unlimited.

Accordingly, Carlson's request to withdraw POR No. 2 is denied, and the Postal Service remains excused from answering those portions of interrogatory DFC/USPS-T1-15 that pertain to Competitive products.

RULING

1. The request to withdraw Presiding Officer's Ruling No. N2021-1/2, as found in Douglas F. Carlson Answer in Opposition to Postal Service Motions to be Excused from Responding to Interrogatories DFC/USPS-T1-15 and DFC/USPS-T3-3, filed May 10, 2021, is denied.
2. The Postal Service remains excused from answering portions of interrogatory DFC/USPS-T1-15 that pertain to Competitive products.

Christopher Laver
Presiding Officer